

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:14-CR-070-LRH-(WGC)
)
KENNETH LEROY AUSTIN,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on April 20, 2015, defendant KENNETH LEROY AUSTIN pled guilty to Count One of a One-Count Indictment charging him with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Indictment, ECF No. 1; Change of Plea, ECF No. 17; Plea Agreement, ECF No. 18.

This Court finds defendant KENNETH LEROY AUSTIN agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 1; Change of Plea, ECF No. 17; Plea Agreement, ECF No. 18.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which defendant KENNETH LEROY AUSTIN pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1), (a)(2), and (a)(3):

1 1. Gateway Desktop Computer, SN RS42945037021 containing one (1) Western Digital
2 Hard Drive, 500 GB, SN WCASY3783140, and one (1) Western Digital Hard Drive,
3 250 GB, SN WMAL41521524
4 (all of which constitutes “property”).

5 This Court finds the United States of America is now entitled to, and should, reduce the
6 aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
8 United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
10 KENNETH LEROY AUSTIN in the aforementioned property is forfeited and is vested in the United
11 States of America and shall be safely held by the United States of America until further order of the
12 Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
14 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
15 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
16 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
17 name and contact information for the government attorney to be served with the petition, pursuant to
18 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
20 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
21 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the
22 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
23 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s
24 right, title, or interest in the forfeited property and any additional facts supporting the petitioner’s
25 petition and the relief sought.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
2 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
3 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
4 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
5 official internet government forfeiture site, www.forfeiture.gov.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
7 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
8 following address at the time of filing:

9 Greg Addington
10 Assistant United States Attorney
11 100 West Liberty Street, Suite 600
12 Reno, NV 89501

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
14 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
15 following publication of notice of seizure and intent to administratively forfeit the above-described
16 property.

17 DATED this 22nd day of April, 2015.

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19 LARRY R. HICKS
20 UNITED STATES DISTRICT JUDGE
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